



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4021 of 2021

J.Andavar

... Petitioner

vs.

1. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Erode District, Erode.

2. The Senior Regional Manager,
TASMAC (Coimbatore).

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records relating to the impugned order passed by the second respondent vide N.K.847/2019/R-1 dated 14.10.2019 and quash the same and consequently, direct the second respondent to reinstate the petitioner into service with continuity of service and all other attendant benefits.

For Petitioner : Mr.A.K.Manoj Kumaar
For Respondents: Mr. K.Sathishkumar

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorari Mandamus, quashing the impugned order of dismissal passed by the second respondent and consequently, direct the second respondent to reinstate the petitioner into service.

2. The case of the petitioner in brief:

The petitioner joined as a Sales Man on 14.02.2003 in the TASMAC shop No.3946 situated in Kumarapalayam Sathy Taluk, Erode District. While the petitioner was working in the Shop No.3589, Gobi Chetti Palayam, he was convicted and sentenced to go imprisonment for one year for an offence under Section 138 of Negotiable Instrument Act. After releasing on 04.09.2018, he made representation for reinstatement service. However, disciplinary proceedings initiated and he was suspended from service vide impugned order dated 14.10.2019. Challenging the above order, the petitioner made Appeal before the first respondent and is still pending without passing any final order.



Therefore, this writ petition is filed.

3. The learned counsel appearing for the petitioner relied upon a decision of the Kerala High Court in a case between Ibrahim Kannu Vs. State of Kerala dated 28.10.2005= 2005(4)KLT 1034 and also the decision of the Division Bench of this court in W.A.No.1247 of 2018 between V.Paramasivam Vs. II Additional Labour Court, Chennai and others reported in 2019(1) LLN 232 (DB) (Mad.). Therefore, in the light of the above decisions, the impugned order of dismissal from service may be quashed.

4. learned Government Pleaded submitted that, as against the dismissal order, the petitioner has filed an appeal before the first respondent and is pending. He further submitted that the Appeal will be disposed of by the first respondent, within a time frame as fixed by this court.

5. Inview of the above submissions and also considering the facts and circumstances of the case, the following order is passed.

i) The first respondent is directed to dispose the appeal petition filed by the petitioner dated 21.10.2019 and pass orders, as early as possible within six weeks from the date of receipt of a copy of this order.

ii) The petitioner is directed to place the above decisions before the Appellate Authority.

6. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mst

To

1. The District Manager/Deputy Collector,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC),
Erode District, Erode.

2. The Senior Regional Manager,
TASMAC (Coimbatore).

+lcc to Mr.A.K.Manoj Kumar, Advocate, S.R.No.27084

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RR(CO)

CT 10/05/2022